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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CHARLES RIDGEWAY, JAIME FAMOSO,  
JOSHUA HAROLD, RICHARD BYERS,  
DAN THATCHER, NINO PAGTAMA,  
WILLIE FRANKLIN, TIME OPITZ, FARRIS  
DAY, KARL MERHOFF, and MICHAEL  
KROHN,

Plaintiffs,

v.

WAL-MART STORES, INC., a Delaware  
corporation dba WAL-MART  
TRANSPORTATION LLC, and Does 1-50,

Defendants.

[Previously captioned as *Bryan et al. v. Wal-Mart Stores, Inc.*]

CASE NO. 3:08-cv-05221-SI

**WAL-MART STORES, INC.'S SECOND  
[PROPOSED] VERDICT FORM**

Place: Courtroom 1, 17th Floor  
Before: Hon. Susan Illston

**VERDICT FORM**

**MINIMUM WAGE CLAIM**

**Alleged Unpaid Tasks**

1. Did plaintiffs prove that each and every class member performed work principally in California on each day they claim they were underpaid?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **no**, stop here, answer no further questions, and have the presiding juror sign and date this form. If your answer was **yes**, proceed to question 2.

2. Were any of the following tasks directly related to work for which the class members were in practice, otherwise paid?

Performing Pre-Trip Inspections

\_\_\_\_\_ Yes \_\_\_\_\_ No

Performing Post-Trip Inspections

\_\_\_\_\_ Yes \_\_\_\_\_ No

Fueling the Tractor

\_\_\_\_\_ Yes \_\_\_\_\_ No

Washing the Tractor/Trailer

\_\_\_\_\_ Yes \_\_\_\_\_ No

Weighing the Tractor/Trailer

\_\_\_\_\_ Yes \_\_\_\_\_ No

Undergoing Department of Transportation Inspections

\_\_\_\_\_ Yes \_\_\_\_\_ No

Meeting with a Driver Coordinator

\_\_\_\_\_ Yes \_\_\_\_\_ No

Waiting at a Vendor or Store Location

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **yes** for all tasks, stop here, and skip ahead to question 6. If you answered **no** for any tasks, proceed to question 3, and answer all remaining questions only for those tasks.

3. For any of the tasks that you answered **no** in question 2, were those tasks completed during time the class members were, in practice, otherwise being paid? Do not answer this question for any tasks you answered **yes** in question 2.

Performing Pre-Trip Inspections

\_\_\_\_\_ Yes \_\_\_\_\_ No

Performing Post-Trip Inspections

\_\_\_\_\_ Yes \_\_\_\_\_ No

Fueling the Tractor

\_\_\_\_\_ Yes \_\_\_\_\_ No

Washing the Tractor/Trailer

\_\_\_\_\_ Yes \_\_\_\_\_ No

Weighing the Tractor/Trailer

\_\_\_\_\_ Yes \_\_\_\_\_ No

Undergoing Department of Transportation Inspections

\_\_\_\_\_ Yes \_\_\_\_\_ No

Meeting with a Driver Coordinator

\_\_\_\_\_ Yes \_\_\_\_\_ No

Waiting at a Vendor or Store Location

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **yes** for all of those tasks considered in question 3, skip ahead to question 6. If you answered **no** for any tasks under question 3, proceed to question 4 only for those tasks for which you answered **no**.

4. For any of the tasks that you answered **no** in question 3, did the plaintiffs prove the total amount of wages owed for each and every class member?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **no**, skip ahead to question 6. If you answered **yes**, proceed to question 5.

5. What is the total amount of wages owed? Only answer this question if you answered yes to question 4. Do not answer this question for any tasks that you answered yes in either question 2 or question 3.

\$ \_\_\_\_\_

**10-Hour Mandatory DOT Breaks**

6. In practice, did Wal-Mart exercise control over each and every class member for their entire 10-Hour Mandatory DOT Breaks?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **no**, skip ahead to question 8. If you answered **yes**, proceed to question 7.

7. What is the amount of wages owed for 10-Hour Mandatory DOT Breaks, if any? Only answer this question if you answered **yes** to question 6.

\$ \_\_\_\_\_

**Rest Breaks**

8. Did each and every class member take two rest breaks that were not, in practice, otherwise paid?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **no**, skip ahead to question 12. If you answered **yes**, proceed to question 9.

9. Did each and every class member take two rest breaks that could not have been taken during otherwise paid time?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **no**, skip ahead to question 12. If you answered **yes**, proceed to question 10.

10. Did the plaintiffs prove the total number of unpaid rest breaks for each and every class member?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered **no**, skip ahead to question 12. If you answered **yes**, proceed to question 11.

11. What is the amount of wages owed for rest breaks that were not, in practice, otherwise paid or could not have been taken during otherwise paid time, if any? Only answer this question if you answered **yes** to questions 8, 9 and 10.

\$ \_\_\_\_\_

**Total Wages Owed**

12. What is the total amount of wages owed, if any, from questions 5, 7, and 11?

\$ \_\_\_\_\_

**UNDERPAYMENT PENALTIES**

13. Did Wal-Mart intentionally withhold wages from each and every class member during the Underpayment Class Period?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 13 was **no**, stop here, answer no further questions, and have the presiding juror sign and date this form. If your answer to question 13 was **yes**, answer question 14 and have the presiding juror sign and date this form.

14. For how many pay periods did Wal-Mart intentionally withhold wages from the class during the Underpayment Class Period?

\_\_\_\_\_ pay periods

Signed: \_\_\_\_\_

Presiding Juror

Dated: \_\_\_\_\_